UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/597,958	08/14/2006	Mirko Danz	DANZ-4	8432

20151   7590   03/02/2010
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ART UNIT	PAPER NUMBER
2457	

NOTIFICATION DATE	DELIVERY MODE
03/02/2010	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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DETAILED ACTION

This office action is responsive to amendment filed on 12/11/2009.

Response to Amendment

The Examiner has acknowledged the amended claims 17 – 19, 21 – 26, 28, the cancellation of claims 15 – 16, and the submission of new claim 29 – 32.

Response to Arguments

Applicant's arguments filed on 12/11/2010 have been fully considered but they are not persuasive.

In response To Applicant's argument (page 11, first paragraph) that Kumbalimutt does not disclose at least the features of a client checking whether it has an initial configuration data record that allows identification of its functionality, and the client requesting, if no initial configuration data record that allows identification of its functionality is present on the client, from the server an initial configuration data record; and the client identifying its functionality based on the initial configuration data record. The Examiner respectfully disagrees with Applicants' assertion because Kumbalimutt discloses that the client computer 150 encounters a condition that indicates that it needs to be configured for real-time communication. An example of such a condition is when a user at the client computer 150 installs a real-time communication program and the installation software requires the correct configuration settings. At step 12, the client computer 150 generates a request to the server computer 154 for the configuration

settings. At step 14, the server computer 154 retrieves the appropriate configuration

setting from a storage medium. At step 16, the server computer 154 transmits a

configuration document containing the configuration settings to the client computer 150.

At step 18, the client computer 150 stores the configuration settings in a memory in a

location that is accessible by a real-time communication client program executing on the

client computer 150. The process then ends. The client computer 150 can now use the

configuration setting to execute the real-time communication program and thereby

perform real-time communication functions (col. 3, line 58 through col. 4, line 19).

Regarding Applicants' argument (pages 11 and 12), the Examiner contends that

Kumbalimutt and Righi do read on claim 21.

In fact, Applicants are interpreting the claims very narrow without considering the

broad teaching of the references used in the rejection. Applicants are reminded that the

examiner is entitled to the broadest reasonable interpretation of the claims. The

Applicants always have the opportunity to amend the claims during prosecution and

broad interpretation by the examiner reduces the possibility that the claim, once issued,

will be interpreted more broadly than is justified. In re Prater 162 USPQ 541, 550-51

(CCPA 1969).

Claim Objections

Claims 28 and 29 objected to because of the following informalities: It is

suggested to delete "it" (claim 28, line 7; claim 29, line 5). Appropriate correction is

required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent
by another filed in the United States before the invention thereof by the applicant
for patent, or on an international application by another who has fulfilled the
requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before
the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act

of 1999 (AIPA) and the Intellectual Property and High Technology Technical

Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting

directly or indirectly from an international application filed before November 29, 2000.

Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior

to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

Claims 17 – 20 and 22 - 32 are rejected under 35 U.S.C. 102(e) as being

anticipated by Kumbalimutt et al (US 7,266,594; hereinafter Kumbalimutt).

Regarding claim 26, Kumbalimutt discloses a method for starting up an

automation component in an automation system, comprising the steps of: requesting

from a server a communication address for initiating and activating this communication

address (col. 3, line 58 through col. 4, line 19); identifying a functionality of a client,

which represents an automation component, by using a first configuration data record

received from the server (col. 3, line 58 through col. 4, line 19); and configuring the

client with a second configuration data record received from the server commensurate
with the identified functionality (col. 3, line 58 through col. 4, line 19), and starting up the
automation component by using the second configuration data record (col. 3, line 58
through col. 4, line 19).

Regarding claims 29, Kumbalimutt discloses a method for automatic
configuration of an automation component of an automation system, comprising the
steps of: storing on a server a plurality of configuration data records for automation
components of the automation system (col. 3, line 58 through col. 4, line 64); a client
checking whether it has an initial configuration data record that allows identification of its
functionality, and the client requesting, if no initial configuration data record that allows
identification of its functionality is present on the client, from the server an initial
configuration data record (col. 3, line 58 through col. 4, line 64); the client identifying its
functionality based on the initial configuration data record (col. 3, line 58 through col. 4,
line 64); the client requesting from the server a second configuration data record
commensurate with the identified functionality; and the client automatically loading from
the server the second configuration data record and configuring the client (col. 3, line 58
through col. 4, line 64).

Regarding claim 17, Kumbalimutt discloses the method of claim 29, wherein the
server stores a plurality of configuration data records in correspondence with a
functionality of the client (col. 3, line 47 through col. 4, line 6).

Regarding claim 18, Kumbalimutt discloses the method of claim 29, further comprising the step of autonomous identification of the client within a defined machine context (col. 4, lines 28 - 47).

Regarding claim 19, Kumbalimutt discloses the method of claim 29, wherein at least two of the plurality of configuration data records are stored locally in the client (col. 4, lines 12 - 16).

Regarding claim 20, Kumbalimutt discloses the method of claim 19, further comprising the step of operating the client by activating one of the at least two stored configuration data records in the client (col. 4, lines 51 - 56).

Regarding claim 22, Kumbalimutt discloses the method of claim 29, wherein the client communication is matched to the automation system to enable operation of the client during continuous operation of the automation system (col. 4, lines 48 – 54; Kumbalimutt discloses that the client computer 150 may have been previously configured to use server computer 154 as its Session Initiation Protocol (SIP) server).

Regarding claim 23, Kumbalimutt discloses the method of claim 29, wherein the client and the server operate on a single automation device (figs. 3 - 5).

Regarding claims 24 and 27, Kumbalimutt discloses the method of claims 26 and 29, further comprising the step of loading the configuration data records for different machine upgrade levels for a machine in the server by an engineering system (fig. 4; col. 4, lines 2 – 9; Kumbalimutt discloses inherently that the configuration settings were already loaded on the server).

Regarding claim 30, Kumbalimutt discloses the method of claim 26, further comprising the steps of loading with an engineering system the first and second configuration data records of a machine only in a server for the machine, and making the first and second configuration data records automatically available to the requesting client (col. 4, lines 19 - 47).

Regarding claim 31, Kumbalimutt discloses the method of claim 29, wherein the client functionality comprises a location or a plug in slot of the client, a type of the automation component, or a specific functionality of the automation component, or a combination thereof (col. 7, lines 29 – 57; col. 11, lines 17 – 29; claims 5 and 12).

Regarding claim 32, Kumbalimutt discloses the method of claim 29 , further including the steps of assigning to the client a temporary dynamic IP address for initial communication with the server; and thereafter activating for the client an IP address corresponding to a functionality of the client (col. 7, lines 29 – 57; col. 11, lines 17 – 29; claims 5 and 12).

Claim 28 incorporates substantively all the limitations of claims 26 and 29, in system form, rather than in method form. The reasons for rejecting claims 26 and 28 apply to claim 28. Therefore, claim 28 is rejected for the same reasons.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed
> or described as set forth in section 102 of this title, if the differences between the
> subject matter sought to be patented and the prior art are such that the subject
> matter as a whole would have been obvious at the time the invention was made
> to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was
> made.

This application currently names joint inventors. In considering patentability of

the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of

the various claims was commonly owned at the time any inventions covered therein

were made absent any evidence to the contrary. Applicant is advised of the obligation

under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was

not commonly owned at the time a later invention was made in order for the examiner to

consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g)

prior art under 35 U.S.C. 103(a).

Claim 21 is rejected under 35 U.S.C. 103(a) as being unpatentable over

Kumbalimutt et al (US 7,266,594; hereinafter Kumbalimutt) in view of Righi et al (US

7,363,480; hereinafter Righi).

Regarding claim 21, Kumbalimutt discloses substantially all the limitations in

claim 29, but fails to specifically teach the steps of storing pollable firmware data

records in the server, transmitting a request from the client to the server for receiving

one of the firmware data records, and storing and activating the received firmware data record in the client.

However, Righi discloses an analogous method, system, and computer-readable medium for updating the firmware of a computing device via a communications network which comprises the steps of storing pollable firmware data records in the server, transmitting a request from the client to the server for receiving one of the firmware data records, and storing and activating the received firmware data record in the client (figs. 2A &2B; see abstract; col. 2, lines 24 – 59; col. 3, lines 26 – 33).

Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Kumbalimutt by incorporating the steps of storing pollable firmware data records in the server, transmitting a request from the client to the server for receiving one of the firmware data records, and storing and activating the received firmware data record in the client as evidenced by Righi for the purpose of assisting with the start up of the client and enabling communication with the low level hardware of the client system, thereby providing an efficient way of configuring a computer /client system.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later

than SIX MONTHS from the mailing date of this final action.

Contact Information

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to YVES DALENCOURT whose telephone number is

(571)272-3998. The examiner can normally be reached on M-F 8-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Ario Etienne can be reached on (571) 272-4001. The fax phone number for

the organization where this application or proceeding is assigned is 571-273-8300.

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/YVES DALENCOURT/
Primary Examiner, Art Unit 2457